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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,580	07/31/2003	David D. Jones	KMC-592	5030

7590

09/27/2004

Darrell F. Marquette
2201 W. Desert Cove
Phoenix, AZ 85029

EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT PAPER NUMBER

3711

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,580

Applicant(s)

JONES ET AL.

Examiner

Stephen L. Blau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-26 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-10,13-15,17,18,20,27 and 28 is/are rejected.
- 7) ☒ Claim(s) 3,7,11,12,16,19,29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/31/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show line 6-6 in figure 2 as stated on page 2 line 16. There is a missing number 6 in figure 2. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 6, 14-15, 18, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Long.

Long discloses a continuous protrusion in the form of an O-ring (Col. 8, Lns. 30-41) creating and maintaining a continuous gap between a perimeter edge of a face insert and side wall of a cavity (Figs. 12, 12A), a protrusion extending outwardly approximately .025 inch from a perimeter edge of a face insert wherein a continuous gap is approximately .025 inch wide (Col. 8, Lns. 42-45, Fig. 12A).

4. Claims 1-2, and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwano.

Kwano discloses a continuous protrusion in the form of a leading edge of an insert (Fig. 6) creating and maintaining a continuous gap between a perimeter edge of a face insert and side wall of a cavity (Fig. 6).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwano in view of Helmstetter.

Kwano discloses an insert having a width, height and thickness (Figs. 1,6). Kwano does not disclose the width, height and thickness of the insert but clearly an artisan would select a suitable width, height and thickness to have a suitable weight distribution for an insert and head in which a face insert having a maximum width of approximately 2.3 inches, a maximum height of approximately .725 inch and a thickness of approximately .2 inch are included.

Kwano lacks a face insert having a thickness of approximately .2 inch, a face insert having a maximum width of approximately 2.3 inches and a maximum height of approximately of .725 inch. Helmstetter discloses a blade having an insert being .2 inch thick (Col. 7, Lns. 1-10). In view of the patent of Helmstetter it would have been obvious to modify the head of Kwano to have a face thickness of .2 inch in order to minimize that amount of insert material needed to form the insert.

It would have been obvious to modify the insert of Kwano to have a face insert having a maximum width of approximately 2.3 inches and a maximum height of approximately of .725 inch in order to minimize that amount of material used for the insert.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Helmstetter.

Long discloses a body formed of steel (Col. 5, Lns. 24-26), and the insert being made of varying materials (Col. 8, Lns. 10-15).

Long lacks a face being made of an elastomeric material and a polyurethane material. Helmstetter discloses an insert being made of a polyurethane and various polymers (Col. 7, Lns. 66 through Col. 8, Ln. 5). In view of the patent of Helmstetter it would have been obvious to modify the head of Long to have the insert being made of a elastomeric material or a polyurethane in order to utilize the advantages of these materials as inserts for a head.

8. Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwano in view of Shaw.

Kwano lacks a face insert being an inverted generally trapezoidal shape. Shaw discloses a face insert being an inverted generally trapezoidal shape (Fig. 2C). In view of the patent of Shaw it would have been obvious to modify the head of Kwano to have

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a face insert being an inverted generally trapezoidal shape in order to place more insert material high in a face for a golfer who tends to impact balls high on the face.

9. Claims 13, 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Wahl.

Long lacks a gap between an insert and body filled with paint having a color which contrasts a body and insert. Wahl discloses a gap between an insert and body filled with paint having a color which contrasts a body and insert [0023]. In view of the publication of Wahl it would have been obvious to modify the head of Long to have a gap between an insert and body filled with paint having a color which contrasts a body and insert in order to make the head visually appealing to a golfer.

Allowable Subject Matter

10. Claims 21-26 are allowed. None of the prior art discloses or renders as obvious a continuous protrusion extending outwardly from a perimeter edge having an outer surface which contacts a cavity side wall creating and maintaining a continuous gap between a perimeter edge of a face insert and side wall of a cavity and a plurality of protrusions extending rearwardly from a back surface keeping a back surface of an insert spaced from a bottom all of a cavity in addition to the other elements of structure claimed.

11. Claims 3, 7, 11-12, 16, 19, and 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With respect to claims 3, 7, 16 and 19, none of the prior art discloses or renders as obvious a continuous protrusion extending outwardly from a perimeter edge having an outer surface which contacts a cavity side wall creating and maintaining a continuous gap between a perimeter edge of a face insert and side wall of a cavity and a plurality of protrusions extending rearwardly from a back surface keeping a back surface of an insert spaced from a bottom wall of a cavity in addition to the other elements of structure claimed. With respect to claims 11-12 and 29-30, none of the prior art discloses or renders as obvious a continuous protrusion extending outwardly from a perimeter edge having an outer surface which contacts a cavity side wall creating and maintaining a continuous gap between a perimeter edge of a face insert and an adhesive means disposed between a back surface and an insert and a bottom wall of a cavity in addition to the other elements of structure claimed.


Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the

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examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (703) 308-1513. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 24 September 2004


STEPHEN BLAU
PRIMARY EXAMINER